

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

O.A. No.60/712/2016

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Date of decision: 23.04.2018

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CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).

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Sh. S.K. Chopra S/o Late Sh. Dalip Chand Chopra, aged 73 years, resident of House No.12-A, Krishna Colony, Yamuna Nagar (Haryana). (Group B).

...APPLICANT

VERSUS

1. The Secretary, Ministry of Defence, South Block, New Delhi.
2. Chief Engineer, HQ, Western Command, Chandimandir, Panchkula (HR).
3. Principal Controller of Defence Accounts (Pensions), Draupadi Ghat, Allahabad (U.P.).
4. Garrison Engineer, Engineer Park, Suratgarh (Rajasthan).
5. Senior Manager, Punjab National Bank, Jagadhari Workshop, District Yamunanagar-135003.

...RESPONDENTS

PRESENT: Sh. Vinay Pandey, counsel for the applicant.
Sh. Sanjay Goyal, counsel for respondents No.1 to 4.
Sh. Arvind Rajotia, counsel for respondent No.5.

ORDER (Oral)

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SANJEEV KAUSHIK, MEMBER (J):-

1. Present O.A. has been filed wherein applicant seeks following relief(s):-
 - i. The impugned letter/PPO dated 7.8.2015 (Annexure A-1) and the reply/letter dated 18.08.2015 (Annexure A-2) be quashed and set aside in the interest of justice;
 - ii. It be declared that the applicant was rightly granted revision of pension @8145/- w.e.f. 24.09.2012 vide PPO dated 7.8.2015 and the respondents be directed to refund the recovered amount i.e. Rs.2.50 lac to the applicant.
 - iii. The respondents be directed to release the Gratuity of the applicant w.e.f. 02.12.1991 with interest @ 18% p.a. till the actual payment is made.
 - iv. The applicant be held entitled to benefit of law laid down by Hon'ble Courts to the effect that the recovery is impermissible from a retired employee, recovery from retired employee will

cause hardship, no recovery is sustainable when there is no fraud or misrepresentation on the part of employee.

2. During course of the arguments on earlier dates, respondents accepted the claim of the applicant for grant of pension @ 8145/- instead of Rs.6171/- and accordingly have passed order granting him pension @ 8145/-p.m. as claimed. They have also released arrears thereof. The respondents have released gratuity in the month of November 2017. Therefore, only left out issue in this O.A. is with regard to grant of interest on delayed payment of Gratuity i.e. from 02.12.1991 till November 2017 i.e. when actual payment was released.
3. Learned counsel for Union of India has taken a plea that immediately after retirement of the applicant they forwarded PPO to concerned Bank.
4. Learned counsel representing the Bank submitted that they have started paying pension at the admissible rates, but did not pay DCRG as they did not receive PPO from concerned authority. He also drew attention to letter dated 27.01.2015 (Annexure A-9, Page-40 of paper book) where they have informed the applicant that they have not received documents for release of DCRG. He also drew attention to letter dated 19.9.2016 (Annexure R-4 P-69) written by Senior Accounts Officer (Pensions) from the office of Principal Controller of Defence Accounts (Pensions) where Senior Manager, Punjab National Bank, Jagadari Workshop, Yamuna Nagar was informed that if they have not received PPO then they have to send loss certificate so that duplicate PPO can be issued. He submitted

that since they were not in receipt of PPO, therefore, amount was not paid to the applicant when the same was due to him.

5. I have given my thoughtful consideration to the entire matter.
6. In the above backdrop of the matter, it is not disputed by the respondents that they have not paid gratuity to the applicant when it was due and have paid after the intervention of this Court in the year 2017 only, therefore, applicant is entitled to grant of interest on delayed payment as he has been deprived of to utilize his money. It is settled law of the land that if a person is deprived to utilize his amount for the fault of the department/respondents, then they are liable to pay interest as has been held in the case of **Associated Cement Co. Ltd vs Commercial Tax Officer, Kota & Ors.,** AIR 1981 SC 1887. Admittedly, the applicant was entitled to payment of Gratuity on his retirement on 02.12.1991, but the same was paid to him in November 2017. Therefore, respondents are liable to pay interest from the date it became due till the same was released.
7. Accordingly, the respondents are directed to pay interest on delayed payment of Gratuity @6% p.a. from the date it became due till the date of actual payment. Let the amount of interest be calculated and release the same in favour of the applicant within a period of six weeks from the date of receipt a certified copy of this order.

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 23.04.2018.
Place: Chandigarh.

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